

REMARKS/ARGUMENTS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

This Amendment is in response to the Office Action mailed on May 12, 2005. Claims 1-16 are pending in the Application and Claims 1-15 stand rejected. Claims 1, 6-8, 10, 11 and 15 are amended and new Claim 16 is added by the present Amendment.

In the outstanding Office Action, Claims 1-15 were rejected under 35 U.S.C. § 112, first paragraph as assertedly failing to comply with the enablement requirement. Applicants thank Examiner Sukman for the detailed explanations provided in the Office Action regarding this rejection.

As presently amended, Claim 1 recites a method of opening and closing a bin defining a partially enclosed volume configured to store baggage relative to a support structure - the bin includes a guide and the support structure includes a linear guide track (or vice-versa). The bin includes at least two curved grooves and the support structure includes at least two curved groove guides (or vice-versa). The guide is movably engaged with the linear guide track and the at least two curved groove guides are each disposed in each of the at least two curved grooves. The method includes the steps of moving the bin along a first portion of a path, the bin moving along a curved path guided by the curved grooves while the guide is moved along the linear guide track; and moving the bin rotationally along a second portion of the path while the guide is further moved along the linear guide track.

Claim 6 was similarly amended and now recites moving the bin along a curved path guided by the curved grooves while the guide is moved along the linear guide track; and rotating the bin after moving the bin along the curved path while the guide is further moved along the linear guide track.

The method recited in the presently amended Claim 7 includes moving first and second protrusions in first and second grooves until the second protrusion contacts an end portion of the second groove; and rotating the bin about the second protrusion until the first protrusion contacts an end of the first groove.

Non-limiting support for the amendments to Claims 1, 6, 7 and new Claim 16 is found at least in Applicants' specification as filed and in FIGS. 1-5. Therefore, the present amendments are not believed to raise a question of new matter.¹

As further explained below, Applicants respectfully submit that Claims 1-16 fully comply with the enablement requirement because Applicants' disclosure contains "sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention based on Applicants' disclosure"² "without undue experimentation."³

The outstanding Office Action asserts that the recited method is incapable of being performed by the disclosed structure. Applicants respectfully disagree. FIGS. 4 and 5 in Applicants' disclosure illustrate, as a non-limiting examples, the bin of the instant invention in fully closed and fully opened positions, respectfully. Applicants have submitted herewith Exhibit A, illustrating the bin of FIGS. 4 and 5 in several other intermediate positions. Picture 1 of Exhibit A illustrates seven different superimposed positions of the bin and Phases 1-7 illustrate separately each of the seven superimposed positions shown in Picture 1.

As illustrated in Exhibit A, and as can be understood by those of ordinary skill in the art by considering Applicants' disclosure and originally filed figures, the movement of the

¹ See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

² MPEP § 2164.01, emphasis added.

³ "The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation." MPEP § 2164.01 (emphasis added), citing *In re Wands*, 858 F.2d at 737, 8 USPQ2d at 1404 (Fed. Cir. 1988). See also *United States v. Telectronics, Inc.*, 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988).

stowage bin is not a constant uniform rotation, as asserted by the Office, but it comprises a motion along a curved lined, realized by moving and rotating, such movement being guided by the curved grooves 6 and 7, the linear guide track 14, and optionally the force of the spring device 11. During this curved motion, as now recited in Claims 1 and 6, the guide, movably engaged with the linear guide track, moves linearly while the curved groove guides move and rotate along the curved grooves.

In one embodiment, the bin movement can be supported and made smooth by a gas spring device 11, thus not requiring an accurate finish of the grooves 6 and 7. In operation, the gas spring device 11 pulls the bin closed by contracting, after being extended when the bin is opened.

Thus, as explained in Applicants' specification, a baggage compartment having a baggage bin lowerable from a support structure is provided with reduced space required for support and guide systems, while simplifying the installation, operation, and maintenance with the use of relatively few, simple, and economical components to achieve a simple and economical manufacturing process.⁴

As to the assertions made about the first and second motions in the outstanding Office Action, Applicants offer the following remarks. As now more clearly recited in Claims 1 and 6, the linear motion referred to in the claims of the present application is that of the guide, which is movably connected to the linear guide track. As illustrated in Exhibit A, those of ordinary skill in the art will understand that, as the bin moves along the curved tracks, a rotational movement takes place with respect to the guide, while the guide moves linearly along the guide track. Although the curved groove guides are separated from each other by a constant distance (as pointed out in the outstanding Office Action), as illustrated in the figures and in Exhibit A, the bin rotates about the guide roller 15, 15' and not about point M.

⁴ *Id.*, page 3, lines 12-20.

Furthermore, when the curved groove guide in the rear of the bin reaches the end of its corresponding curved groove, because the front curved groove is longer, the bin then undergoes a rotation about the rear curved groove guide while the guide continues to move along the linear guide track as illustrated in Exhibit A, as now recited. Also, the proposition that the only possible movement is a rotation about the point M does not take into account the engineering tolerances of all the components of the stowage bin. The disclosure is believed to provide sufficient information about how one would go about following the claimed method, as now recited.

In conclusion, Applicants respectfully submit that, considering the required factors in establishing a *prima facie* case for the lack of compliance with the enablement requirement, including, but not limited to, breadth of the claims, the nature of the invention, the state of the prior art, the level of one of ordinary skill, the level of predictability in the art, the amount of direction provided by the inventor, the existence of working examples, and the quantity of experimentation needed to make or use the invention based on the content of the disclosure,⁵ presently amended Claims 1, 6, and 7 (and all claims dependent therefrom) are enabled because no undue experimentation would be required for a person of ordinary skill in the art to make or use the recited methods.

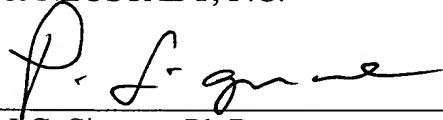
Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-16 is earnestly solicited.

⁵ These factual considerations are discussed more fully in MPEP § 2164.08 (scope or breadth of the claims), § 2164.05(a) (nature of the invention and state of the prior art), § 2164.05(b) (level of one of ordinary skill), § 2164.03 (level of predictability in the art and amount of direction provided by the inventor), § 2164.02 (the existence of working examples) and § 2164.06 (quantity of experimentation needed to make or use the invention based on the content of the disclosure).

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

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